

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

10-0376
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In re:) OFPA Docket No. 10-0376
)
Hilmer H. Weidner, d/b/a)
Weidner Farms,) Consent Decision
) and Order
)
Respondent.)

This proceeding was instituted under the Organic Foods Production Act of 1990, as amended, 7 U.S.C. § 6501 et seq. (OFPA), alleging that the respondent willfully violated the National Organic Program Regulations issued thereunder, 7 C.F.R. § 205.1 et seq. (NOP Regulations). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations as set forth herein and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations of the complaint, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Conclusions

1. Respondent Hilmer H. Weidner is an individual, doing business as Weidner Farms, whose mailing address is 1262 B.5 NE, Moses Lake, Washington 98837. Respondent

was issued a certificate of organic certification under the United States Department of Agriculture's (USDA) National Organic Program (NOP).

2. At all times material hereto, respondent was engaged in business as a NOP certified production and handling operation, and was subject to the NOP Regulations.

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondents, his agents and employees, successors and assigns, directly or through any corporate or other device, shall not violate the OFPA and the Regulations issued thereunder.


2. Respondent has voluntarily agreed to surrender his NOP certificate of organic certification upon issuance of this Order, and is permanently disqualified from applying for one in the future.


3. Respondent is assessed a civil penalty of \$50,000, which is hereby suspended, provided, after notice and opportunity for a hearing, he is not found to have violated the OFPA and the Regulations issued thereunder for a period of ten (10) years from the date of issuance of this Order..


4. Respondent is permanently disqualified from applying for a NOP certificate of organic certification, and agrees that a NOP certificate of organic certification will never be issued to him by the NOP or a NOP certifying agent..

The provisions of this order shall become effective upon issuance.


Copies of this decision shall be served upon the parties.


Hilmer H. Weider
Respondent


Dale M. Foremen
Attorney for Respondent


Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 23rd day of March, 2011


Administrative Law Judge